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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO;  
AMERICAN FEDERATION OF STATE  
COUNTY AND MUNICIPAL  
EMPLOYEES, AFL-CIO; SERVICE  
EMPLOYEES INTERNATIONAL UNION,  
AFL-CIO; AFGE LOCAL 1122; AFGE  
LOCAL 1236; AFGE LOCAL 2110; AFGE  
LOCAL 3172; SEIU LOCAL 1000;  
ALLIANCE FOR RETIRED AMERICANS;  
AMERICAN GEOPHYSICAL UNION;  
AMERICAN PUBLIC HEALTH  
ASSOCIATION; CENTER FOR  
TAXPAYER RIGHTS; COALITION TO  
PROTECT AMERICA'S NATIONAL  
PARKS; COMMON DEFENSE CIVIC  
ENGAGEMENT; MAIN STREET  
ALLIANCE; NATURAL RESOURCES  
DEFENSE COUNCIL, INC.; NORTHEAST  
ORGANIC FARMING ASSOCIATION,  
INC.; VOTEVETS ACTION FUND INC.;  
WESTERN WATERSHEDS PROJECT;  
COUNTY OF SANTA CLARA,  
CALIFORNIA; CITY OF CHICAGO,  
ILLINOIS; MARTIN LUTHER KING, JR.  
COUNTY, WASHINGTON; HARRIS  
COUNTY, TEXAS; CITY OF BALTIMORE,

Case No. 3:25-cv-03698-SI

**UNOPPOSED ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE BRIEF  
AMICI CURIAE OF FORMER  
GOVERNMENT OFFICIALS AND  
ADVISORS; DECLARATION OF  
MICHAEL S. KWUN**

1 MARYLAND; and CITY AND COUNTY OF  
2 SAN FRANCISCO, CALIFORNIA,

3 Plaintiffs,

4 v.

5 DONALD J. TRUMP, in his official capacity  
6 as President of the United States; UNITED  
7 STATES OFFICE OF MANAGEMENT  
8 AND BUDGET; RUSSELL VOUGHT, in his  
9 official capacity as Director of U.S. Office of  
10 Management and Budget; UNITED STATES  
11 OFFICE OF PERSONNEL  
12 MANAGEMENT; CHARLES EZELL, in his  
13 official capacity as Acting Director of the U.S.  
14 Office of Personnel Management;  
15 DEPARTMENT OF GOVERNMENT  
16 EFFICIENCY; ELON MUSK, in his official  
17 capacity as the actual head of the Department  
18 of Government Efficiency; AMY GLEASON,  
19 in her official capacity as the titular Acting  
20 Administrator of the Department of  
21 Government Efficiency; UNITED STATES  
22 DEPARTMENT OF AGRICULTURE;  
23 BROOKE ROLLINS, in her official capacity  
24 as Secretary of the U.S. Department of  
25 Agriculture; UNITED STATES  
26 DEPARTMENT OF COMMERCE;  
27 HOWARD LUTNICK, in his official capacity  
28 as Secretary of the U.S. Department of  
Commerce; UNITED STATES  
DEPARTMENT OF DEFENSE; PETE  
HEGSETH, in his official capacity as  
Secretary of the U.S. Department of Defense;  
UNITED STATES DEPARTMENT OF  
ENERGY; CHRIS WRIGHT, in his official  
capacity as Secretary of the U.S. Department  
of Energy; UNITED STATES  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; ROBERT F.  
KENNEDY JR., in his official capacity as  
Secretary of the U.S. Department of Health  
and Human Services; UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY; KRISTI NOEM, in her official  
capacity as Secretary of the U.S. Department  
of Homeland Security; UNITED STATES  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT; SCOTT  
TURNER, in his official capacity as Secretary  
of the U.S. Department of Housing and Urban  
Development; UNITED STATES  
DEPARTMENT OF JUSTICE; PAM  
BONDI, in her official capacity as Attorney  
General of the U.S. Department of Justice;

1 UNITED STATES DEPARTMENT OF THE  
 2 INTERIOR; DOUG BURGUM, in his official  
 3 capacity as Secretary of the U.S. Department  
 4 of the Interior; UNITED STATES  
 5 DEPARTMENT OF LABOR; LORI  
 6 CHAVEZ-DEREMER, in her official capacity  
 7 as Secretary of the U.S. Department of Labor;  
 8 UNITED STATES DEPARTMENT OF  
 9 STATE; MARCO RUBIO, in his official  
 10 capacity as Secretary of the U.S. Department  
 11 of State; UNITED STATES DEPARTMENT  
 12 OF TREASURY; SCOTT BESSENT, in his  
 13 official capacity as Secretary of U.S.  
 14 Department of Treasury; UNITED STATES  
 15 DEPARTMENT OF TRANSPORTATION;  
 16 SEAN DUFFY, in his official capacity as  
 17 Secretary for the U.S. Department of  
 18 Transportation; UNITED STATES  
 19 DEPARTMENT OF VETERANS AFFAIRS;  
 20 DOUG COLLINS, in his official capacity as  
 21 Secretary of Veterans Affairs; AMERICORPS  
 22 (a.k.a. the CORPORATION FOR  
 23 NATIONAL AND COMMUNITY  
 24 SERVICE); JENNIFER BASTRESS  
 25 TAHMASEBI, in her official capacity as  
 26 Interim Agency Head of AmeriCorps;  
 27 UNITED STATES ENVIRONMENTAL  
 28 PROTECTION AGENCY; LEE ZELDIN, in  
 his official capacity as Administrator of U.S.  
 Environmental Protection Agency; UNITED  
 STATES GENERAL SERVICES  
 ADMINISTRATION; STEPHEN EHIKIAN,  
 in his official capacity as Acting  
 Administrator for U.S. General Services  
 Administration; NATIONAL LABOR  
 RELATIONS BOARD; MARVIN KAPLAN,  
 in his official capacity as Chairman of the  
 National Labor Relations Board; WILLIAM  
 COWEN, in his official capacity as the Acting  
 General Counsel of the National Labor  
 Relations Board; NATIONAL SCIENCE  
 FOUNDATION; BRIAN STONE, in his  
 official capacity as Acting Director of the  
 National Science Foundation; UNITED  
 STATES SMALL BUSINESS  
 ADMINISTRATION; KELLY LOEFFLER,  
 in her official capacity as Administrator of the  
 U.S. Small Business Administration; UNITED  
 STATES SOCIAL SECURITY  
 ADMINISTRATION; and LELAND  
 DUDEK, in his official capacity as Acting  
 Commissioner of the U.S. Social Security  
 Administration,

Defendants.

**UNOPPOSED ADMINISTRATIVE MOTION  
FOR LEAVE TO FILE BRIEF AMICI CURIAE**

Amici are conservatives and include former public officials who were elected as Republicans or served in Republican administrations. These amici have collectively spent decades in public service in the federal government and state governments. They share a commitment to limited government and the rule of law. They write out of concern that the carefully constructed checks and balances that are built into our Constitution are under threat as a result of defendants' conduct. Amici respectfully seek leave to file the accompanying brief amici curiae<sup>1</sup> in support of the plaintiffs' motion for a temporary restraining order.

Amici and their backgrounds<sup>2</sup> are as follows:

- Donald B. Ayer, Deputy Attorney General in the George H.W. Bush Administration from 1989 to 1990; Principal Deputy Solicitor General in the Reagan Administration from 1986 to 1988; United States Attorney for the Eastern District of California from 1981 to 1986 in the Reagan Administration.
- Ty Cobb, Special Counsel to the President in the Trump Administration from 2017 to 2018.
- Barbara Comstock, Representative of the 10th Congressional District of Virginia from 2015 to 2019 (R).
- Mickey Edwards, Representative of the 5th Congressional District of Oklahoma from 1977 to 1993 (R).
- Philip Lacovara, Counsel to the Special Prosecutor, Watergate Special Prosecutor's Office in the Nixon Administration from 1973 to 1974.
- Michael Luttig, Circuit Judge, United States Court of Appeals appointed by George H.W. Bush from 1991 to 2006; Assistant Attorney General, Office of Legal Counsel and Counselor to the Attorney General in the Bush Administration from 1990 to 1991; Assistant Counsel to the President in the Reagan Administration from 1981 to 1982.
- Carter Phillips, Assistant to the Solicitor General in the Reagan Administration from 1981 to 1984.

<sup>1</sup> No party's counsel authored the brief amici curiae in whole or in part. No party or a party's counsel contributed money that was intended to fund preparing or submitting the brief. No person other than amici, their members, or their counsel contributed money that was intended to fund preparing or submitting the brief.

<sup>2</sup> Individual amici are listed in alphabetical order by last name. All former affiliations of the individuals are listed for identification purposes only. The individual amici join this brief in their individual capacities, and not on behalf of any current or former affiliated agencies or organizations.

- Trevor Potter, Chairman of the Federal Election Commission and Commissioner of the Federal Election Commission from 1991 to 1995; General Counsel to John McCain’s Presidential Campaign from 2000 to 2008.
- Alan Charles Raul, Associate Counsel to the President in the Reagan Administration from 1986 to 1988; General Counsel to Office of Management and Budget from 1988 to 1989 in the Reagan and George H.W. Bush Administrations; General Counsel to U.S. Department of Agriculture from 1989 to 1993 in the George H.W. Bush Administration; Vice Chairman of the Privacy and Civil Liberties Oversight Board from 2006 to 2008 in the George W. Bush Administration.
- Paul Rosenzweig, Deputy Assistant Secretary for Policy, Department of Homeland Security in the George W. Bush Administration from 2005 to 2009.
- Nicholas Rostow, Special Assistant to the President for National Security Affairs and Legal Adviser to the National Security Council under Reagan and George H.W. Bush Administrations from 1987 to 1993; Special Assistant to the Legal Adviser, U.S. Department of State from 1985 to 1987; Senior Research Scholar at Yale Law School.
- Robert Shanks, Deputy Assistant Attorney General, Office of Legal Counsel in the Reagan Administration from 1981 to 1984.
- Fern Smith, Judge of the U.S. District Court for the Northern District of California appointed by President Reagan from 1988 to 2005.
- Peter Smith, Representative-at-Large of Vermont from 1989 to 1991 (R).
- William Joseph Walsh, Representative of the 8th Congressional District of Illinois from 2011 to 2013 (R).
- Christine Todd Whitman, Governor of New Jersey from 1994 to 2001 (R); Administrator of the Environmental Protection Agency in the George W. Bush Administration, 2001-2003.

“District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved . . . .” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005); *see also Centro Legal de la Raza v. Exec. Off. for Immigr. Rev.*, 524 F. Supp. 3d 919, 949 (N.D. Cal. 2021) (noting that the court received and granted five motions for leave to file amicus briefs in support of the plaintiffs’ motion for a preliminary injunction). Here, amici’s participation will assist the Court’s adjudication of the motion for a temporary restraining order by providing a broader perspective on the role of the Constitutional scheme of checks and balances, and the rule of law. The parties consent to the filing of the proposed amicus brief. Kwun Decl. ¶¶ 2–3.

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For the foregoing reasons, amici respectfully request leave to file the accompanying brief.

Dated: May 8, 2025

KWUN BHANSALI LAZARUS LLP

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*Philip Lacovara, Michael Luttig, Carter*

*Phillips, Trevor Potter, Alan Charles Raul, Paul*

*Rosenzweig, Nicholas Rostow, Robert Shanks,*

*Fern Smith, Peter Smith, William Joseph Walsh,*

*and Christine Todd Whitman*

**Declaration of Michael S. Kwun**

I, Michael S. Kwun, declare as follows:

1. I am counsel of record for Donald B. Ayer, Ty Cobb, Barbara Comstock, Mickey Edwards, Philip Lacovara, Michael Luttig, Carter Phillips, Trevor Potter, Alan Charles Raul, Paul Rosenzweig, Nicholas Rostow, Robert Shanks, Fern Smith, Peter Smith, William Joseph Walsh, and Christine Todd Whitman, who in the foregoing administrative motion request leave to file a brief amici curiae. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

2. I emailed counsel for the plaintiffs and counsel for the defendants requesting the consent of the parties to the filing of the brief amici curiae. In my emails to counsel, I explained that the brief would be in support of the plaintiffs' motion for a temporary restraining order.

3. By return email, counsel for the plaintiffs and counsel for the defendants each informed me that their respective clients consent to the filing of the brief amici curiae.

4. The brief that amici seek leave to file is attached hereto.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on May 8, 2025, at San Francisco, California.

/s/ Michael S. Kwun

Michael S. Kwun